IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1344 of 1979
with
Cross Objection No.5 of 2002
AND
First Appeal No.1345 of 1979
with
Cross Objection No.2 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SPL. LAND ACQ. OFFICER
Versus
MANGALBHAI RAIJIBHAI

Appearance:
Mr.B.Y. Mankad, APP, for the appellant
Mr. Dagli for MR PM THAKKAR for Respondents-original claimants

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CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE K.A.PUJ

Date of decision: 18/04/2002

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. The appellant, by filing both the appeals under Section 54 of the Land Acquisition Act,1894 ('Act' for short), has challenged the common judgment and award dated April 27, 1979, passed by the learned Extra Assistant Judge, Vadodara, in a group of Land Reference Cases Nos. 80 of 1974 to 84 of 1974, by which common judgment and award, the Reference Court had determined the market value of the acquired lands of village Jambuva, District Baroda, at the rate of Rs.56,000/- per Hectare as on December 22, 1969.

2. The claimants have filed Cross Objections under Order 44 Rule 22 of the Code of Civil Procedure, in both the appeals, for enhancement of the compensation.

3. As common question of facts and law arise for our consideration, we propose to dispose of both the appeals and the cross objections by this common order.

4. Having heard the learned AGP, Mr. B.Y. Mankad, for the appellant and the learned advocate Mr. Dagli for the respondents-original claimants, and having gone through the entire record and proceedings of the appeals, we are of the opinion that the judgment and award passed by the Reference Court does not require any interference. The Reference Court had taken into consideration the relevant aspect of the matter in arriving at a just market value of the acquired lands. It is brought to our notice that First Appeals Nos.1341 of 1979 to 1343 of 1979, arising from the same group of land reference cases, were earlier dismissed summarily by this Court on October 17, 1979. Therefore also, we are of the opinion that, when the market value, as determined by the Reference Court in respect of similarly situated lands of the same village Jambuva, covered in the same notification, was confirmed by this Court in earlier group of matters, the market value of the present acquired lands also deserves to be confirmed.

5. As a result of foregoing discussion, both the appeals and the cross objections are dismissed with no order as to costs. The common judgment and award dated April 27, 1979, passed by the learned Extra Assistant Judge, Vadodara, in the group of Land Reference Cases Nos. 80 of 1974 to 84 of 1974, is confirmed.

April 18, 2002 (M.H. Kadri, J.)

(K.A. Puj, J.)

(swamy)